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OFFICE OF PETITIONS

In re Application of
Kerwin D. Dobbs, et. al.
Application No. 10/774,286
Filed: February 6, 2004
Attorney Docket No. UC0405USCIP

DECISION ON PETITIONS
UNDER 37 CFR 1.78(a)(3) AND (a)(6)

This is a decision on the petitions under 1.78(a)(6), filed by facsimile transmission on May 29, 2007, which is being treated as a petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6), to accept an unintentionally delayed claim under 35 U.S.C. §§ 120 and 119(e) for the benefit of the prior-filed applications set forth in the concurrently filed amendment.

The petitions are **GRANTED**.

A petition for acceptance of a claim for late priority under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii). In addition, the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) must be accompanied by:

- (1) the reference required by 35 U.S.C. §§ 120 and 119(e) and 37 CFR §§ 1.78(a)(2)(i) and 1.78(a)(5)(i) of the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

Additionally, the instant nonprovisional application must be pending at the time of filing of the reference to the prior-filed provisional application as required by 37 CFR 1.78(a)(5)(ii). Further, the nonprovisional application claiming the benefit of the prior-filed provisional application must have been filed within twelve months of the filing date of the prior-filed provisional application.

Also, 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) require a statement that the entire delay between the date the claim was due under 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii) and the date the claim was filed was unintentional. Since the statement appearing in the petition varies from the required language, the statement is being construed as the statement required by 37 CFR §§ 1.78(a)(3) and 1.78(a)(6). If this is not a correct reading of the statement appearing in the petition, petitioner should promptly notify the Office.


All the above requirements having been satisfied, the late claim for benefit of priority under 35 U.S.C. §§ 120 and 119(e) is accepted as being unintentionally delayed.

The granting of the petition to accept the delayed benefit claim to the prior-filed applications under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) should not be construed as meaning that this application is entitled to the benefit of the filing date of the prior-filed applications. In order for this application to be entitled to the benefit of the prior-filed applications, all other requirements under 35 U.S.C. §§120 and 1.78(a)(1) and (a)(2) and under 35 U.S.C. §119(e) and 37 CFR 1.78(a)(4) and (a)(5) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed applications should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed applications noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed applications, accompanies this decision on petition.

Any questions concerning this matter may be directed to Andrea Smith at (571) 272-3226. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application is being forwarded to Technology Center Art Unit 1774, for consideration by the examiner of the claim under 35 U.S.C. § §120 and 119(e) of the prior-filed nonprovisional and provisional applications.


Frances Hicks
Petitions Examiner
Office of Petitions

ATTACHMENT : Corrected Filing Receipt



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APPL NO.	FILING OR 371(c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLMS	IND CLMS
10/774,286	02/06/2004	1774	1072	UC0405USCIP	19	5

23906

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CONFIRMATION NO. 8498

CORRECTED FILING RECEIPT



OC000000025682505

Date Mailed: 09/05/2007

Receipt is acknowledged of this nonprovisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Kerwin D. Dobbs, Wilmington, DE;
 Norman Herron, Newark, DE;
 Viacheslav A. Petrov, Hockessin, DE;

Power of Attorney: The patent practitioners associated with Customer Number 23906.

Domestic Priority data as claimed by applicant

This application is a CIP of 10/768,298 01/30/2004 ABN
 and is a CIP of 10/366,295 02/13/2003 ABN
 which is a CON of 09/879,014 06/12/2001 ABN
 which claims benefit of 60/215,362 06/30/2000
 and claims benefit of 60/224,273 08/10/2000

Foreign Applications

If Required, Foreign Filing License Granted: 05/06/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US10/774,286**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Electroluminescent iridium compounds with fluorinated phenylpyridine ligands, and devices made with such compounds.

Preliminary Class

428

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

**LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15**

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where

the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

Application No. 10/774,286

Docket No. UC 0405 USCIP

Patent

In the United States Patent and Trademark Office

In re Application of:

Kerwin D. Dobbs, et al.

Confirmation No.: 8498

Application No.: 10/774,286⁶

Group Art Unit: 1774

Filing Date: February 6, 2004

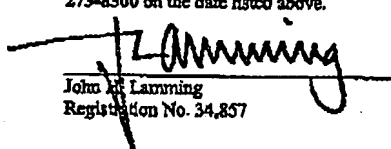
Examiner: Marie Rose Yamnitzky

For: Electroluminescent Iridium Compounds with Fluorinated Phenylpyridine Ligands, And Devices Made With Such Compounds

CERTIFICATE OF FACSIMILE TRANSMISSION

DATE: May 29, 2007

I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office to facsimile number 571-273-8300 on the date listed above.


John M. Lanning
Registration No. 34,857

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Petition to Accept an Unintentionally Delayed
Claim Under 35 U.S.C. § 119(e) and
Authorization to Charge Surcharge to Deposit Account

Applicants hereby petition for acceptance of an unintentionally delayed claim to priority to a regular utility patent application and two provisional patent applications under 35 U.S.C. § 119(e), and in support of this petition state as follows:

1. The priority to which claim is made is to:

(a) U.S. Patent Application Serial No. 09/879,014, entitled Electroluminescent Iridium Compounds with Fluorinated Phenylpyridines, Phenylpyrimidines, and Phenylquinolines and Devices Made with Such Compounds, filed June 12, 2001, now abandoned, naming as inventors: Vladimir Grushin, Viacheslav A. Petrov and Ying Wang.

(b) U.S. Provisional Application Serial No. 60/224,273, entitled Electroluminescent Iridium Compounds with Fluorinated Phenylpyridines, Phenylpyrimidines, and Phenylquinolines and Devices Made with Such Compounds, filed on August 10, 2000, naming as inventors: Viacheslav A. Petrov, Ying Wang and Vladimir Grushin.

Exhibit 1

Page 1 of 2

05/31/2007 HNGUYEN1 00000057 041928

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Application No. 10/774,286

Docket No. UC 0405 USCIP

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NO. 5630 P. 13


MAY 29 2007

(c) U.S. Provisional Application Serial No. 60/215,362, entitled Electroluminescent Iridium Compounds with Fluorinated Phenylpyridines, Phenylpyrimidines, and Phenylquinolines and Devices Made with Such Compounds, filed on June 30, 2000, naming as inventors: Viacheslav A. Petrov, Ying Wang and Vladimir Grushin.

2 The entire delay between the date the priority claim was due under 37 C.F.R. § 1.78(a)(5)(ii) and the date of this Petition was unintentional.

3. The Director is hereby authorized to charge the surcharge for this Petition as required in 37 C.F.R. § 1.17(t) in the amount of \$ 1,370.00 to Deposit Account No. 04-1928, E. I. du Pont de Nemours and Company.

Respectfully submitted,


John H. Lamming
Attorney for Applicants
Registration No. 34,857
Telephone: 302-992-5877
Facsimile: 302-892-1892

Date: May 29, 2007

Application No.: 10/774,286
Docket No.: UC0405USCIP

Amendment to the Specification

Please amend the first full paragraph on page 1 of the application, at lines 6-9 under the heading Cross Reference to Related Applications, as follows:

"This application is a Continuation-in-Part of U.S. Serial No. ~~Unknown (DuPont Docket No. UC0405 US NA)~~ 10/768,298, filed January 30, 2004, now abandoned, and a Continuation-In-Part of U.S. Serial No. 10/366,295, filed February 13, 2003, which is a Continuation of U.S. Serial No. 09/879,014, filed June 12, 2001, now abandoned, and which claims priority from U.S. Provisional Application No. 60/224,273, filed August 10, 2000, and U.S. Provisional Application No. 60/215,362, filed June 30, 2000."

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MAY 29 2007

PTO/SB/30 (09-08)

Approved for use through 03/31/2007. OMB 0651-0031
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Request for Continued Examination (RCE) Transmittal Address to: Mail Stop RCE Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450	Application Number	10/774286
	Filing Date	February 06, 2004
	First Named Inventor	Kerwin D. Dobbs, Et Al.
	Art Unit	1774
	Examiner Name	Marie Rose Yarnitzky
Attorney Docket Number		UC0405USCIP

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

a. ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

- i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
 ii. ☐ Other _____

b. ☒ Enclosed

i. ☒ Amendment/Reply

iii. ☐ Information Disclosure Statement (IDS)

ii. ☐ Affidavit(s)/ Declaration(s)

iv. ☒ Other Petition

2. **Miscellaneous**

- a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(e) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(f) required)
 b. ☐ Other _____

3. **Fees**

This RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

The Director is hereby authorized to charge the following fees, any underpayment of fees, or credit any overpayments, to Deposit Account No. 04-1928. I have enclosed a duplicate copy of this sheet.

- i. ☒ RCE fee required under 37 CFR 1.17(e) \$ 790.00
 ii. ☐ Extension of time fee (37 CFR 1.136 and 1.17) \$ _____. Months: ☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5
 iii. ☐ Other _____
 b. ☐ Check in the amount of \$ _____ enclosed
 c. ☐ Payment by credit card (Form PTO-2038 enclosed)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED		
Signature	<i>[Signature]</i>	Date
Name (Print/Type)	JOHN H. LAMMING	May 29, 2007
		Registration No.
		34,857

CERTIFICATE OF MAILING OR TRANSMISSION	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.	
Signature	<i>[Signature]</i>
Name (Print/Type)	John H. Lammimg
Date	May 29, 2007

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

05/31/2007 RINGUEN1 00000057 041928 10774286

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APPLICATION DATA SHEET

Electronic Version v14

Stylesheet Version v14.0

Title of Invention	ELECTROLUMINESCENT IRIIDIUM COMPOUNDS WITH FLUORINATED PHENYLPYRIDINE LIGANDS, AND DEVICES MADE WITH SUCH COMPOUNDS
Application Type: regular, utility Attorney Docket Number: UC0405USCIP	
Correspondence address: Customer Number: 23906 *23906*	
Continuing Data: This is a Continuation-in-part of US application number UNKNOWN, filed 2004-01-30 , now PENDING. This is a Continuation-in-part of application number 10/366295, filed 2003-02-13 , now PENDING.	
Inventors Information: Inventor 1: Applicant Authority Type: Inventor Citizenship: US Given Name: KERWIN Middle Name: D. Family Name: DOBBS City of Residence: WILMINGTON State of Residence: DE Country of Residence: US	

TITLE

ELECTROLUMINESCENT IRIIDIUM COMPOUNDS WITH FLUORINATED
PHENYLPYRIDINE LIGANDS, AND DEVICES MADE WITH SUCH
COMPOUNDS

5 CROSS REFERENCE TO RELATED APPLICATIONS

This application is a Continuation-in-Part of U.S. Serial No. Unknown (DuPont Docket No. UC0405 US NA), filed January 30, 2004 and a Continuation-In-Part of U.S. Serial No. 10/366,295, filed February 13, 2003.

10 BACKGROUND OF THE INVENTIONField of the Invention

This invention relates to electroluminescent complexes of iridium(III) with fluorinated phenylpyridines. It also relates to electronic devices in which the active layer includes an electroluminescent Ir(III) complex.

15 Description of the Related Art

Organic electronic devices that emit light, such as light-emitting diodes that make up displays, are present in many different kinds of electronic equipment. In all such devices, an organic active layer is sandwiched between two electrical contact layers. At least one of the
20 electrical contact layers is light-transmitting so that light can pass through the electrical contact layer. The organic active layer emits light through the light-transmitting electrical contact layer upon application of electricity across the electrical contact layers.

It is well known to use organic electroluminescent compounds as
25 the active component in light-emitting diodes. Simple organic molecules such as anthracene, thiadiazole derivatives, and coumarin derivatives are known to show electroluminescence. Semiconductive conjugated polymers have also been used as electroluminescent components, as has been disclosed in, for example, Friend et al., U.S. Patent 5,247,190,
30 Heeger et al., U.S. Patent 5,408,109, and Nakano et al., Published European Patent Application 443 861. Complexes of 8-hydroxyquinolate with trivalent metal ions, particularly aluminum, have been extensively used as electroluminescent components, as has been disclosed in, for example, Tang et al., U.S. Patent 5,552,678.

35 Burrows and Thompson have reported that fac-tris(2-phenylpyridine) iridium can be used as the active component in organic light-emitting devices. (*Appl. Phys. Lett.* 1999, 75, 4.) The performance is maximized when the iridium compound is present in a host conductive

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Domestic Continuity

Child Application Number	Cont Code	Parent Application Number	Parent Filing Date	Parent Status	Parent Patent	IN	Seq No.
10774286	CIP	10366295	02/13/2003	ABANDONE		N	1

Before

Foreign Priority

Entry Code	Country/Receiving Office Name	Foreign/PCT Application	Filing Date	Seq No.
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(*) - Request to retrieve electronic copy of foreign priority from participating receiving offices

Print Screen

lasmith11

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